Member.—It is not possible to point it out always.

President.—You must say what the mistake is and how it has happened and it is then alone that the Government can know it.

In regard to the issue of a large number of demand notices, I learn that orders have been recently issued to the effect that tax should be taken to the *pakuthi* cutcherry before the due dates, and that in cases of failure, coercive action under the Revenue Recovery Regulation should be started. The larger number of demand notices issued may, perhaps, be due to the above order. The matter will be enquired into.

You next wanted that the existence of encumbrances should be ascertained and notices issued to hypothecatees and mortgagees also before a land is attached or sold for arrears of tax. This point will be considered.

6. Hardship caused to the people in the working of the Land Conservancy Regulation.

Mr. C. T. Geevarghese Mutalali (Member, Kunnattur taluk) referred to the hardship to which the people were put in the working of the Land Conservancy Regulation. The evils arising out of it were threefold, *viz*., (1) that the provisions of the rules under the Regulation were unduly severe ; (2) that the officers acting under the Regulation were either ignorant of the rules or wilfully perverse or both, and that in consequence, the sufferings of the people were indescribable ; and (3) that, owing to mistakes in survey, what were really *ayacut* holdings came to be treated as *poramboke* lands and in consequence the occupants thereof were wrongly proceeded against under the Regulation. This was due to the circumstance that, during the survey operations of 1068, properties covered by *lekkoms* as per *ayacut* were surveyed as per the occupation and enjoyment then observed and boundaries for them were fixed and survey numbers given and litho-plans prepared accordingly. From the litho-plans, the area of each survey number was computed. The areas thus determined and those as per the *ayacut* measurements showed discrepancies, which, in some cases, were very great. The difference was attributable to the defect in the method of survey adopted, the preparation of the litho-plans based on such survey and the computation of areas from such defective litho-plans. The nature of survey adopted in this State was either the *tak* survey or the base line and offset system and both those systems had been condemned as unsatisfactory in British India. Such being the case, the survey operations conducted under the above systems and the litho-plans based on such survey measurements could not be expected to accurately show the existing state of things on the ground. In localities abounding in *porambokes*, instead of a regular examination and demarcation of each particular *poramboke*, small bits of *porambokes* were surveyed with the adjacent properties.

The Member then said that the next mistake committed was in surveying several registered lands as *porambokes*. This was commonly noticeable on the banks of rivers where, owing to the inconvenience and difficulties experienced in taking the chain measurements through places overgrown with jungle, portions of registered holdings were often surveyed as part of the rivers and recorded as *porambokes*. This fact could be easily understood if regard was had to the age and size of the trees standing on the intervening belts of land. Such discrepancies did not escape the notice of Government. When the question of grant of *patta* came up, it was necessary to divide off the *porambokes* from the registered holdings and for this purpose classifiers were employed. These officers too were in their turn responsible for creating very great confusion in the records inasmuch as they never went to the field and examined the lay of the land but did subdivision survey from their office rooms. That this was so could be easily seen by a casual inspection of select plots in any *pakuthi* with the divide plans prepared by the classifiers. It would then be seen that, in many cases, pathways had been subdivided where none existed, while such pathways as existed had been omitted to be shown in the plan. Thus the confusion already brought about by incorrect survey and unreliable litho-plans was aggravated to a considerable extent by the divide plans prepared by the classifiers. With a Settlement Register, based on such incorrect records as the litho-plans and divide sketches, the trustworthiness of the land records of a taluk could be easily imagined. The *puduval* and *poramboke* proceedings conducted subsequent to the settlement were based on the above incorrect survey and

LIBRARY ARCHIVES Kerala Legislative Assembly

settlement records. It was therefore no wonder that the people were bitterly complaining about the proceedings that were being taken under the Land Conservancy Regulation.

The Member next spoke about the officers authorised to exercise the powers under the Survey and Boundaries Regulation. He said that the majority of officers acting under that Regulation also were either ignorant of the rules or were wilfully perverse or incompetent. The officers were always on the alert to take up *poramboke* cases on some pretext or other and the confusion in the Survey and Settlement records described above afforded the unscrupulous officers ample facilities and latitude for doing so. He requested that the matter might be looked into and necessary remedial measures adopted.

Coming to the Regulation and the rules framed thereunder, the Member said that, if the framers of the rules had been aware of the inaccuracies of the revenue records relating to *poramboke*, they would never have introduced such rigorous provisions in the Regulation. He therefore requested that steps might be taken to amend the Regulation so as to relax the rigour of its penal provisions.

The next point touched upon by the Member was about the agency responsible for the disposal of *poramboke* cases. He observed that at present the officers who detected encroachments were themselves the deciding officers. That being so, it was naturally to be expected that, whatever the evidence adduced might be, the officers would be particular to see that the cases started by themselves ended in conviction. The Member therefore suggested that those officers should be required to complete the enquiries and charge the cases before a Magistrate for disposal, as was being done by the officers of the Excise and Forest Departments in respect of excise and forest cases. If that was done, much of the sufferings of the people would diminish to an appreciable extent.

In conclusion, the Member prayed that steps might be taken at once to remove the material defects and errors in the survey records first and thus relieve the sufferings of the people.

7. Grievances of the public in the operation of the Land Conservancy Regulation.

Mr. N. Pappu Pillai (Member, Municipal Council, Mavelikara) observed that the working of the Land Conservancy Regulation was productive of much harm to the inhabitants of Mavelikara. He pointed out that the Settlement and Survey introduced by Dewan Ramiengar were conducted on approved lines only in respect of seven taluks, and that in the remaining taluks, including Mavelikara, they were not only not properly done, but they created considerable confusion, so much so that what was the people's property as per the *pathivu* of 1012 ceased to be theirs subsequently. The Member said that the main reason for that was that the classifiers appointed for the proper subdivision of lands according to ownership and for correctly locating the same were not properly trained in survey and that they never inspected the lands but did their field-work as it suited them from their head-quarters. The changes in areas, boundaries, etc., had to be incorporated then and there in the records, and as a result, great discrepancies came to exist between what was shown in the records and what was seen on the ground. Such being the case, the Land Conservancy Regulation which was intended to conserve the lands at the disposal of the Government, and to evict persons unauthorisedly occupying the same, could not be considered to serve the purpose for which it was intended. For a proper working of the same, a correct resurvey was absolutely necessary, and till that was done, the present hardship would continue. The Member also stated that the necessity for a resurvey was also urged at the last session of the Assembly, but that the reply given was that it was not feasible on financial grounds. The Member urged that a resurvey should be immediately arranged for and that the plea of want of funds could not stand when the interests of the people in general required it.

The Member then spoke about the defects observed in the working of the Land Conservancy Regulation and Rules and the remedies therefor. He said that the special accountants employed for the purpose were both irresponsible and ignorant

LIBRARY ARCHIVES Kerala Legislative Assembly